

REMARKS

Claims 1-10 stand rejected under 35 USC 103(a) as being unpatentable over US patent application No. 2003/0112758 (hereinafter Pang). Reconsideration of the rejections (and allowance of all the pending claims) is respectfully requested in view of the foregoing amendment and the following remarks.

Independent claims 1 and 6 have been amended to emphasize aspects of the present invention. Claims 3-4, and 9-10 are presently cancelled. Claims 1, 2, and 5-8 remain pending.

M.P.E.P. 2143.03 provides that to establish *prima facie* obviousness of a claimed invention, all the claims limitations must be taught or suggested by the prior art. All words in a claim must be considered for judging the patentability of the claim against the prior art. If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending there from is nonobvious.

Claim 1 is directed to a method for regulating a jitter buffer for buffering a data packet stream. Claim 1, as amended, recites comparing a currently registered transmission delay with a previously derived weighted mean delay value. Claim 1 further recites determining a weighting of the currently registered transmission delay as a function of a result of the comparing, wherein the currently registered transmission delay is weighted with a first predefined weight value if the currently registered transmission delay is shorter than the previously derived weighted mean delay value and is weighted with a second predefined weight value if the currently registered transmission delay is longer than the previously derived weighted mean delay value, with the first weight value being larger than the second weight value. A quotient of the first predefined weight value and the second predefined weight value is selected to reduce a data packet loss rate. Basis for the last recited operational relationship and concomitant advantages may be found in the last six lines of paragraph 27 and also in paragraph 28 of the US patent application publication of the present invention. Also the subject matter previously recited in dependent claims 3 and 4 has been consolidated into claim 1.

It is believed that Pang fails to describe or suggest an operational relationship where a quotient of the first predefined weight value and the second predefined weight value is selected to reduce a data packet loss rate, as set forth in claim 1. Accordingly, it is submitted that Pang fails to render unpatentable claim 1, and also claims depending from claim 1, and these rejections should be withdrawn.

Independent claim 6 is directed to a jitter buffer regulating circuit for regulating a jitter buffer for buffering a data packet stream. It is believed that Pang fails to describe or suggest an operational relationship where a quotient of the first predefined weight value and the second predefined weight value is selected to reduce a data packet loss rate, as set forth in claim 6. Accordingly, Pang fails to render unpatentable claim 6, and this rejection should be withdrawn.

### Conclusion

It is respectfully submitted that each of the claims pending in this application recite patentable subject matter and it is further submitted that such claims comply with all statutory requirements and thus each of such claims should be allowed.

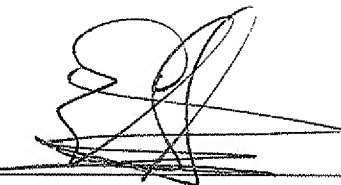
The commissioner is hereby authorized to charge any appropriate fees due in connection with this paper, including the fees specified in 37 C.F.R. §§ 1.16 (c), 1.17(a)(1) and 1.20(d), or credit any overpayments to Deposit Account No. 19-2179.

Respectfully submitted,

Dated: \_\_\_\_\_

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By: \_\_\_\_\_



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